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10/003,404	12/06/2001	Koji Nii	027260-505	5384

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EXAMINER

TRAN, TAN N

ART UNIT PAPER NUMBER

2826

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Jm

# Office Action Summary

Application No.

10/003,404

Applicant(s)

NII ET AL.

Examiner

TAN N TRAN

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 06/18/03.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 5, 10-12 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4,6 stand rejected under 35 U.S.C. 102(a) as being anticipated by Igarashi et al. (6,190,953) as reasons set forth in the office action paper no.13.

With regard to claim 1, Igarashi et al. (6,190,953) discloses a gate electrode 4 formed on a substrate 1 through a gate insulating film 3 lying therebetween; first and second diffused layers formed opposite to each other across the portion of the substrate 1 existing under the gate electrode 4 and having a first conduction type, each having a second conduction type different from the first conduction type of the portion; a wiring layer 11 above the gate electrode 4; and a contact 18 formed within a contact hole between the wiring layer 11 and the substrate 1; the first diffused layer electrically connecting the wiring layer 11 to the contact 18 and contact electrically connecting to the sidewall of the gate electrode 4. Note figs. 4C-4E and 7F of Igarashi et al. (6,190,953).

With regard to claim 2, Igarashi et al. (6,190,953) discloses the contact 18 is connected also to the second diffused layer. Note fig. 7F of Igarashi et al. (6,190,953).

With regard to claim 3, Igarashi et al. (6,190,953) discloses a third diffused layer formed on the substrate 1; and an isolation area 20 formed between the first and the third diffused layers, which separates the first and the third diffused layers each other; wherein the contact 18 is connected further to the third diffused layer. Note fig. 7F of Igarashi et al. (6,190,953).

With regard to claim 4, Igarashi et al. (6,190,953) discloses a gate electrode 4 formed on a substrate 1 through a gate insulating film 3 lying therebetween; a diffused layer formed on the substrate 1 having first and second diffused portions formed opposite to each other across the portion of the substrate 1 existing under the gate electrode 4 and having a first conduction type, each having a second conduction type different from the first conduction type of the portion of the substrate 1 and a third portion that connects the first portion to the second portion. Note figs. 4C and 7F of Igarashi et al. (6,190,953).

With regard to claim 6, Igarashi et al. (6,190,953) discloses another diffused layer formed on the substrate 1; and an isolation area 20 formed between the first portion of the diffused layer and the another diffused layer, which separates the first portion of the diffused layer and the another diffused layer, wherein the contact is connected further to the another diffused layer. Note fig. 7F of Igarashi et al. (6,190,953).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 13, 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. (6,190,953) as reasons set forth in the office action paper no.13.

With regard to claims 7, 8, 13, 14, Igarashi et al. does not disclose the gate 4 is a memory node of the SRAM cell or the memory node of a bistable trigger circuit. However, it would have been obvious to one of ordinary skill in the art to form the gate 4 of Igarashi et al. functions as a memory node, because it is conventional in the art to use one of the gate electrodes that functions as a memory node. Note Fig. 1 of Sunami is cited to support for the well known position. Although Igarashi et al. does not teach exact the type of the device as that claimed by Applicant, the type differences are considered obvious design choices and are not patentable unless unobvious or expected results are obtained from these changes. It appears that these changes produce no functional differences and therefore would have been obvious. Note in re Leshin, 125 USPQ 416.

Claims 9,15, stand rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. (6,190,953) in view of Yaegashi et al. (6,472,701) as reasons set forth in the office action paper no.13.

With regard to claims 9,15, Igarashi et al. disclose another gate electrode 4 formed on the substrate 1 through another gate insulating film 3, and a transistor for composing a semiconductor integrated circuit therein.

Igarashi et al. does not disclose the film thickness of the gate insulating film is thinner than the one of the another insulating film.

However, Yaegashi et al. discloses the film thickness of the gate insulating film 105 is thinner than the one of the another insulating film 108. (Note fig. 1 of Yaegashi et al.).

Therefore, it would have been obvious to one of ordinary skill in the art to form the Igarashi et al.'s device having the film thickness of the gate insulating film is thinner than the one of the another insulating film such as taught by Yaegashi et al. in order to elevate the speed of a peripheral transistor outside the memory.

### **Response to Arguments**

3. Applicant's arguments filed 06/18/03 have been fully considered but they are not persuasive.

It is argued, at pages 9,11,12 of the remarks, that "The prior art does not show, teach or suggest a contact electrically connecting a wiring layer to a side wall of the gate electrode" "nowhere in Igarashi et al. is it shown, taught or suggested that a contact electrically connects a wiring layer to a sidewall of the gate electrode" "nothing in Igarashi et al. teaches or suggests that a contact electrically connects a wiring layer to a sidewall of the gate electrode". However, figs. 4C-4E of Igarashi et al. do show the wiring layer 11 electrically connects to a diffusion layer 2 through the 1<sup>st</sup> electrode material 18(CT), and a 2<sup>nd</sup> electrode material 18(LIC) that is formed on the gate electrode 4 and also electrically connects to the diffusion layer 2. Thus, the 1<sup>st</sup> and 2<sup>nd</sup> electrode materials 18 electrically connecting a wiring layer 11 to a sidewall of the gate electrode 4 through the diffusion layer 2.

*Allowable Subject Matter*

4. Claims 5, 10-12, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5, 10-12, 16<sup>are</sup> allowable over the prior art of record, because none of these references disclose or can be combined to yield the claimed invention such as the contact is connected to the first portion and the second portion of the diffused layer as recited in claim 5, the relative dielectric constant of the gate insulating film is higher than the one of the another gate insulating film as recited in claims 10,16, the impurity concentrations of the first diffused layer and the second diffused layer are higher than the ones of the source and the drain areas as recited in claim 11, the impurity concentrations of the diffused layer are higher than the impurity concentration of the source area and the drain area as recited in claim 12.

**Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tan Tran whose telephone number is (703) 305-3362. The examiner can normally be reached on M-F 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TT

July 2003

  
**Minhloan Tran**  
**Primary Examiner**  
**Art Unit 2826**